

### III. LOCAL TRANSIT SERVICES NEUTRAL TANDEM [REDACTED]

27. In Section II above, I provided information concerning the local transit services Neutral Tandem provides to Cbeyond and Integra. In this Section, I provide additional detail concerning [REDACTED]

[REDACTED]

[REDACTED]

#### A. Charter

28. In its comments, Charter argues that “no credible evidence exists that the market for transit services are [sic] competitive.” (Comments of Charter Comms., Inc., at 9.) Charter further argues that “the available evidence also suggests that Neutral Tandem’s service is not ubiquitous across the country and is not available in many Tier 2 and Tier 3 markets.” (*Id.*) Charter then asserts that “Charter and other competitive providers in these smaller markets generally are not able to choose between competing transit service providers, and are often required to use the only transit service provider in that market: those provided by the ILEC.” (*Id.*) According to Charter, “[e]ven in those major markets where one or more competitive tandem providers exists, the suburban and rural areas surrounding those major markets may not be served by the competitive transit provider. The ILEC transit service would then be the only available transit service in those service areas that are not covered by a competitive tandem provider.” (*Id.*)

29. As shown above and in the Declaration of Gerard Laurain, Charter’s comments simply do not comport with the facts. Neutral Tandem provides local transit service in 189 of the 192 LATAs in the United States. As shown in Mr. Laurain’s Declaration, the only LATAs

where Neutral Tandem does not provide service are a LATA located on a small island off of New York with 250 residents, and certain parts of the Navajo Nation. Charter's assertion that "Neutral Tandem's service is not ubiquitous across the country and is not available in many Tier 2 and Tier 3 markets" is contrary to the facts.

30. Charter's assertion that "Charter and other competitive providers in these smaller markets generally are not able to choose between competing transit service providers, and are often required to use the only transit service provider in that market: those provided by the ILEC" is equally lacking in factual basis. I have reviewed a copy of Charter's market list acquired on May 16, 2011 from its website, [www.charter.com](http://www.charter.com). Based on the locations listed on that web site, I am not aware of any market in the country where Charter provides service that Neutral Tandem does not serve.

31. [REDACTED]

32. [REDACTED]

33. Charter's professed concern that Neutral Tandem and other competitive transit providers may not be connected to all other carriers is equally troubling, because Charter (unique among almost all other major providers) has refused even to interconnect with Neutral Tandem to allow Neutral Tandem's other local transit customers to deliver traffic bound for Charter's end-users using Neutral Tandem's services. Charter is the only major telecommunications carrier in the continental United States to which Neutral Tandem is not even able to deliver its other customers' local transit traffic.

34. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**B. TW Telecom ("TWT")**

35. TWT has joined comments with Cbeyond and Integra arguing that "the market for tandem transit service is *not* effectively competitive" and that "in most areas, the incumbent LEC has a monopoly over transit service and is able to charge above-cost rates." (Joint Comments of Cbeyond, Integra, and TWT, at 20.) As with the assertions in the Declarations submitted by Cbeyond and Integra, these statements are simply not true.

36. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I also can say that Neutral Tandem

is ready, willing, and able to provide local transit service to TWT, at rates considerably beneath those charged by the ILEC, in each and every market TWT serves.

37. I have reviewed a copy of TWT's network map, taken from its web site on May 16, 2011. Based on the markets shown on that map, [REDACTED]

[REDACTED]

[REDACTED]

38. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

39. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

C. Cox

40. Cox has filed comments asserting that the ILEC is "the only entity that offers complete, reliable and ubiquitous indirect interconnection." (Comments of Cox Communications, Inc. at 17.) Cox also has asserted that "even if there were alternatives, and even when a provider has direct interconnection, there are good reasons to maintain the ability to obtain indirect interconnection via transit service, including ensuring redundancy in the case of network outages or natural disasters." (*Id.*) Cox acknowledges that Neutral Tandem and other



non-ILEC companies offer local transit service “in some areas,” but it asserts that “many providers do not choose to connect with non-ILEC tandem services, so those companies do not provide a complete solution.” (*Id.*, n.24.)

41. [REDACTED]

[REDACTED]

[REDACTED] I also can say that Neutral Tandem is ready, willing, and able to provide local transit service to Cox, at rates considerably beneath those charged by the ILEC, in each and every market Cox serves.

42. [REDACTED]

[REDACTED]

**C. MetroPCS**

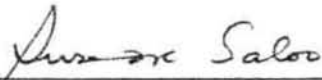
43. [REDACTED]

[REDACTED]

44. Neutral Tandem is ready, willing, and able to provide local transit service to MetroPCS, at rates considerably beneath those charged by the ILEC, in each and every market MetroPCS serves. [REDACTED]

45. [REDACTED]

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Surendra Saboo

Date: 05/21/2011

Before The  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
A National Broadband Plan for Our Future	)	GN Docket No. 09-51
	)	
Establishing Just and Reasonable Rates for Local Exchange Carriers	)	WC Docket No. 07-135
	)	
High Cost Universal Service Support	)	WC Docket No. 05-337
	)	
Developing a Unified Inter-carrier Compensation Regime	)	CC Docket No. 01-92
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Lifeline and Link-Up	)	WC Docket No. 03-109

**DECLARATION OF SURENDRA SABOO**

1. I am the President and Chief Operating Officer of Neutral Tandem, Inc. (“Neutral Tandem”). In that capacity, I am responsible for all of Neutral Tandem’s operations, including its operations throughout the United States. Neutral Tandem’s sales organization in the United States reports to me. I am familiar with the markets in the United States in which Neutral Tandem provides local transit service, as well as the competitive landscape surrounding local transit service generally.<sup>1</sup>

2. I previously provided a declaration in this proceeding on May 23, 2011. In that Declaration, I responded to assertions made by Charter Communications, Inc. (“Charter”),

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<sup>1</sup> For purposes of this Declaration, when I use the phrase “local transit service,” I mean a service provided by Neutral Tandem and other intermediate carriers that allows originating and terminating carriers to exchange non-access traffic through the network of the intermediate carrier, as opposed to exchanging that traffic through direct interconnection between the originating and terminating carrier.



Cbeyond Communications Company, LLC ("Cbeyond"), Integra Telecom, Inc. ("Integra"), TW Telecom Inc. ("TWT"), MetroPCS Communications, Inc. ("MetroPCS"), and Cox Communications, Inc. ("Cox"), concerning the market for local transit service.

3. In that Declaration, I provided specific descriptions [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. The purpose of this Declaration is to provide further recent examples, based on events that have occurred even since my May 23, 2011 Declaration, in which certain carriers have informed Neutral Tandem that they have multiple competitive options available to them for local transit service, and have demanded price reductions for this service. This Declaration also will recount Neutral Tandem's experience in Connecticut, after the state commission ordered the ILEC in that state to begin providing local transit service at TELRIC-based rates.

**I. RECENT MARKET DEVELOPMENTS SINCE NEUTRAL TANDEM'S MAY 2011 COMMENTS.**

5. I have reviewed that part of the comments Comcast submitted on August 24, 2011 in which Comcast asserts that "competitive tandem switching facilities are not widely available[.]" (Comcast's Aug. 24, 2011 Comments, at 8.)

6. [REDACTED]

[REDACTED]

7. [REDACTED]

[REDACTED]

[REDACTED]

8. [REDACTED]

9. [REDACTED]

10. [REDACTED] I find it amazing that Comcast can claim in its comments to this Commission that “competitive tandem switching facilities are not widely available[.]” (Comcast’s Aug. 24, 2011 Comments, at 8.) That is simply not the case.

11. In addition to Comcast, I have reviewed that part of the comments filed by MetroPCS in which it asserts that the pricing of local transit service by ILECs “needs to be promptly addressed by the Commission.” (Aug. 24, 2011 Comments of MetroPCS, at 20.)

12. [REDACTED]

13. [REDACTED]

14. [REDACTED]

### III. NEUTRAL TANDEM'S EXPERIENCE IN CONNECTICUT.

14. I am aware that several carriers have submitted comments in this proceeding relying on recent decisions from the state commission and federal district court in Connecticut, which have resulted in the ILEC in that state being forced to make local transit service available at TELRIC-based rates.

15. I note at the outset that several carriers advocating that the FCC adopt TELRIC-based pricing for ILEC local transit – including Comcast, Cox, Charter, and MetroPCS – participated in the Connecticut proceeding, and made similar arguments.

16. [REDACTED]

17. [REDACTED]

18. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]


[REDACTED]

19. [REDACTED]

[REDACTED]

[REDACTED]

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Surendra Saboo

Date: 9/6/2011